

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RASHAWN J. PRATT,

Plaintiff,  
vs.

5:09-CV-1278  
(NAM)(ATB)

BUFFALO WILD WINGS,

Defendant.

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**Z APPEARANCES:**

Rashawn J. Pratt  
Plaintiff, *Pro Se*

**Norman A. Mordue, Chief U. S. District Judge**

**ORDER**

**V** The above matter comes to me following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on the 8<sup>th</sup> day of February, 2010. Following fourteen days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

**W** After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The plaintiff's motion for leave to proceed *in forma pauperis* (Dkt. No. 2) is denied for failure to properly move for leave to proceed *in forma pauperis*.
3. This action is dismissed without prejudice for failure to properly move for leave to proceed *in forma pauperis* and pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii) for failure to state a

claim. The clerk shall enter judgment accordingly.

4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Date: March 2, 2010  
Syracuse, New York

  
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Norman A. Mordue  
Chief United States District Court Judge

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